

BUSINESS REPORT

**MONTANA HOUSE OF REPRESENTATIVES
61st LEGISLATURE - REGULAR SESSION**

HOUSE JUDICIARY COMMITTEE

Date: Tuesday, January 13, 2009

Time: 8:00 am

Place: Capitol

Room: 137

BILLS and RESOLUTIONS HEARD:

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Add Postponed (PP) when appropriate:

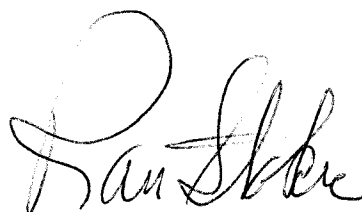
HB 150

EXECUTIVE ACTION TAKEN:

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Enter P(pass) F(failed) DPAA (do pass as amended) BC(be concurred in) BCAA (be concurred in as amended):

HB 112 _____
HB 149 _____

COMMENTS:



REP. Ron Stoker, Chairman

HOUSE OF REPRESENTATIVES
Roll Call
JUDICIARY COMMITTEE

DATE: JANUARY 13, 2009

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
Rep. Peterson	✓	
Rep. Kottel	X	
Rep. Kerns	✓	
Rep. Sands	✓	
Rep. Bennett	X	
Rep. MacDonald	✓	
Rep. More	X	
Rep. Ebinger	X	
Rep. Wagner	X	
Rep. Becker	X	
Rep. Driscoll	X	
Rep. Regier	X	
Rep. McClafferty	X	
Rep. Howard	X	
Rep. Blewett	X	
Rep. Warburton	X	
Rep. Menahan	X	
Rep. Stoker	✓	

★ ALL HERE ★



HOUSE STANDING COMMITTEE REPORT

January 13, 2009

Page 1 of 2

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 149** (first reading copy – white) **do pass as amended.**

Signed: _____

Representative Ron Stoker, Chair

And, that such amendments read:

1. Title, page 1, line 7.

Following: "46-18-241"

Insert: ", 46-18-246,"

2. Title, page 1, line 8.

Strike: "AND RETROACTIVE APPLICABILITY DATES"

3. Page 2.

Following: line 7

Insert: "Insert: "Section 2. Section 46-18-246, MCA, is amended to read:

"46-18-246. Waiver or modification of payment. An offender may at any time petition the sentencing court to adjust or otherwise waive payment of any part of any ordered restitution or amount to be paid pursuant to 46-18-241(2)(a). The court shall schedule a hearing and give a victim to whom restitution was ordered notice of the hearing date, place, and time and inform the victim that the victim will have an opportunity to be heard. If the court finds that the circumstances upon which it based the imposition of restitution, amount of the victim's pecuniary loss, or method or time of payment no longer exist or that it otherwise would be unjust to require payment as imposed, the court may adjust or waive unpaid restitution or the amount to be paid

Committee Vote:

Yes 18, No 0

Fiscal Note Required ☐

HB0149001SC.hjd

pursuant to 46-18-241(2)(a) or modify the time or method of making restitution. The court may extend the restitution schedule.""

Renumber: subsequent sections

4. Page 1, line 30 through page 2, line 4.

Strike: section 4 in its entirety

- END -



HOUSE STANDING COMMITTEE REPORT

January 13, 2009

Page 1 of 2

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 122** (first reading copy – white) do pass as amended.

Signed:

A handwritten signature in cursive script, appearing to read "Ron Stoker", is written over a horizontal line.
Representative Ron Stoker, Chair

And, that such amendments read:

1. Title, line 9.

Strike: the first "AND"

Following: "17-8-411,"

Insert: "AND 17-8-412,"

2. Page 3, line 17.

Strike: "government attorney"

Insert: "governmental entity"

3. Page 9.

Following: line 4

Insert: "Insert: "Section 9. Section 17-8-412, MCA, is amended to read:

"17-8-412. Prohibitions on employers -- employee remedies.

(1) A governmental entity or private entity may not adopt or enforce a rule, regulation, or policy preventing an employee from disclosing information to a government or law enforcement agency with regard to or from acting in furtherance of an investigation of a violation of 17-8-403 or an action brought pursuant to 17-8-405 or 17-8-406.

(2) A governmental entity or private entity may not discharge, demote, suspend, threaten, harass, or deny promotion to or in any other manner discriminate against an employee in the

Committee Vote:

Yes 18, No 0

Fiscal Note Required ☐

HB0122001SC.hjd

terms and conditions of employment because of the employee's disclosure of information to a government or law enforcement agency pertaining to a violation of 17-8-403.

(3) (a) A governmental entity or private entity that violates the provisions of subsection (2) is liable for:

(i) reinstatement to the same position with the same seniority status, salary, benefits, and other conditions of employment that the employee would have had but for the discrimination;

(ii) back pay plus interest on the back pay;

(iii) compensation for any special damages sustained as a result of the discrimination; and

(iv) reasonable court or administrative proceeding costs and reasonable attorney fees.

(b) An employee may file an action for the relief provided in this subsection (3).""

Renumber: subsequent sections

4. Page 9, line 13.

Strike: "[Section 9]"

Insert: "[Section 10]"

5. Page 9, line 14.

Strike: "[section 9]"

Insert: "[section 10]"

- END -

HOUSE OF REPRESENTATIVES
Roll Call Vote
JUDICIARY COMMITTEE

DATE 1/13/09 BILL NO HB 149 MOTION NO. _____
 MOTION: _____

That Amendment 0149c1 Do Pass
Rep. Kottel (1)

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
Ken Peterson	X		
Deborah Kottel	X		
Krayton Kerns	X		
Diane Sands	X		
Gerald Bennett	X		
Margaret MacDonald	X		
Michael More	X		
Bob Ebinger	X		
Bob Wagner	X		
Arlene Becker	X		
Robyn Driscoll	X		
Keith Regier	X		
Edith McClafferty	X		
David Howard	X		
Anders Blewett	X		
Wendy Warburton	X		
Mike Menahan	X		
Ron Stoker	X		

HOUSE OF REPRESENTATIVES
Roll Call Vote
JUDICIARY COMMITTEE

DATE 1/13/09 BILL NO HB 149 MOTION NO. _____

MOTION: _____
That Amendment 014902 DO PASS.
Rep. Kottel (2)

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
Ken Peterson	X		
Deborah Kottel	X		
Krayton Kerns	X		
Diane Sands	X		X
Gerald Bennett	X		
Margaret MacDonald	X		
Michael More	X		
Bob Ebinger	X		
Bob Wagner	X		
Arlene Becker	X		
Robyn Driscoll	X		
Keith Regier	X		
Edith McClafferty	X		
David Howard	X		
Anders Blewett	X		
Wendy Warburton	X		
Mike Menahan	X		
Ron Stoker	X		

HOUSE OF REPRESENTATIVES
Roll Call Vote
JUDICIARY COMMITTEE

DATE 1/13/09 BILL NO HB 122 MOTION NO. _____
 MOTION: That HB 122 do pass as amended.

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
Ken Peterson	X		
Deborah Kottel	X		
Krayton Kerns	X		
Diane Sands	X		X
Gerald Bennett	X		
Margaret MacDonald	X		
Michael More	X		
Bob Ebinger	X		
Bob Wagner	X		
Arlene Becker	X		
Robyn Driscoll	X		
Keith Regier	X		
Edith McClafferty	X		
David Howard	X		
Anders Blewett	X		
Wendy Warburton	X		
Mike Menahan	X		
Ron Stoker	X		

**AUTHORIZED
COMMITTEE PROXY**

I request to be excused from the Lucas Center

Committee because of other commitments. I desire to leave my proxy vote with:

Deb Kallio

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE NO

HB 149 14902	X	
HB 149	X	
HB 122 A		
012201	X	
HB 122	X	

BILL/AMENDMENT

AYE NO

Rep.

(Signature)

Date Jan 13, 2009

**Montana House of Representatives
Visitors Register**

JUDICIARY COMMITTEE

Date JAN. 13, 2009

Bill No. HB 150 Sponsor(s) Rep. Brown

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
ROBIN CUNNINGHAM	FISHING OUTFITTERS ASSN OF MONTANA	✓		
Carol Seilstad	MTAAS			
Ronda Wiggers	MT Snowmobile Assoc	✓		
Al Smith	MTLA		X	
Jay Robson	Missoula CVB + Glacier County/Town	✓		
Jeann Johnson	MT Outfitters & Guides	✓		
Bob Jordan	Wild River Adventures	✓		
David Smith	Bozeman Chamber	✓		
Stuart Doggett	MT Innkeepers Assoc	✓		
Cory Swanson	Citizens for Balanced Use	✓		
Katie McKeown	MT Catholic Conf.			X
Heather Hass	MT Assoc. of Churches			X

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.